

opening at least one outlet of the plurality of outlets and the blocking the flow comprises closing at least a second outlet of the plurality of outlets.

28. (New) A system for making snow, said system comprising:
a plurality of discharge nozzles;
a control mechanism for controlling at least one of a supply of pressurized water and a supply of pressurized air to said plurality of discharge nozzles;
a control unit operably connected to said control mechanism, said control unit moveable among a plurality of positions for causing discharge of at least one of a portion of the supply of pressurized air and a portion of the supply of the pressurized water from at least one nozzle of the plurality of discharge nozzles.

REMARKS

Without acquiescing to the propriety of the rejection in the Office Action dated May 7, 2002, claims 1, 8, 9, 10, 12, 13, 15, 20, and 22 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. Claims 26-28 have been added and claims 3 and 11 have been canceled. Entry of these amendments, reconsideration of the application, and allowance of all claims pending herein is respectfully requested in view of the remarks below. Claims, 1-2, 4-10, and 12-28 are now pending.

Initially, applicant wishes to gratefully acknowledge the allowance of claim 12 upon it being rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant respectfully defers rewriting this claim as suggested in view of the remarks below.

§ 102 Rejections:

Claims 1-5, 8-11, 13, 14, 16-20, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McKinney (U.S. Patent No. 5,979,785). Specifically, it is alleged that in regard to claims 1-5 and 8-11 that McKinney teaches discharging supply of pressurized air into a supply of pressurized water and controlling the discharge of the supply of water and/or air to control a ratio of the water to the air.

Amended claim 1 recites a method for making snow over a range of ambient temperatures. The method includes discharging a supply of pressurized water in ambient air and discharging a supply of pressurized air into the discharged supply of pressurized water. The method further includes selectively controlling the discharge of the supply of pressurized water and/or the discharge of the supply of pressurized air from a plurality of discharge nozzles to control a ratio of water to air. Selectively controlling the discharge includes remotely selecting a first nozzle of the plurality of nozzles and causing fluid communication between the first nozzle and a portion of the supply of water and/or a portion of the supply of air, and remotely selecting a second nozzle from the plurality of nozzles and blocking fluid communication between the second nozzle and a portion of the supply of air and/or a portion of the supply of water.

McKinney discloses a snow gun for making artificial snow which includes a first conduit in fluid communication with a first plurality of nozzles and a second conduit in fluid communication with a second plurality of nozzles. As described in column 3, one has an option of supplying water or air to the first plurality of nozzles or the second plurality of nozzles by changing the fluid supply lines at the base of the tower. In this manner, the air/water ratio may be controlled. Also, one may control the air/water ratio by bleeding a small stream of water from the water conduit to the air conduit through a needle valve (91) to melt rime ice, as described in column 8 and depicted in FIG. 2. However, McKinney does not disclose remotely selecting a first nozzle from a plurality of discharge nozzles and causing fluid communication between the first nozzle and the

water and/or air, nor does it disclose remotely selecting a second nozzle from the plurality of nozzles and blocking fluid communication between the second nozzle and the water and/or air to control a ratio of water to air for making snow over a range of ambient temperatures. Instead, the first conduit in fluid communication with the first plurality of nozzles may receive water and/or air and the second conduit in fluid communication with the second plurality of nozzles may receive water and/or air. However, there is no disclosure in McKinney of selecting among the nozzles of the first plurality of nozzles or the nozzles of the second plurality of nozzles to allow fluid communication with a first nozzle and a supply of water and/or air while blocking fluid communication with a second nozzle and water and/or air to control a ratio of water to air, as is recited in Claim 1 of the present application. Thus, because the features of claim 1 of the present application are not identically disclosed by McKinney, it is believed not to be anticipated and claim 1 is believed to be in condition for allowance. Claim 3 was canceled and its subject matter incorporated into claim 1. The dependent claims are believed to be allowable for the same reasons as claim 1 and for their own additional features.

Amended claim 8 of the present application recites a method for making snow which includes providing a plurality of discharge nozzles. The method further includes selectively controlling discharge of a supply of pressurized water and a supply of pressurized air from the plurality of discharge nozzles to select at least one nozzle from the plurality of nozzles. Selectively controlling the discharge includes opening at least one first outlet of a plurality of outlets of a control mechanism and closing at least one second outlet of the plurality of outlets. Also, selectively controlling the discharge causes at least one of the pressurized air and the pressurized water to be discharged through the at least one nozzle.

McKinney does not disclose selectively controlling a control mechanism to discharge water and/or air through at least one nozzle of a plurality of nozzles. As described above, the only means of controlling the discharge of water and/or air is to reverse supply lines thereof described in column 3 or by bleeding a small stream of water from the water conduit to the air

conduit through a needle valve (91) as described in column 8 and depicted in FIG. 2. However, there is no disclosure of selectively controlling a control mechanism to select at least one nozzle of a plurality of nozzles to cause discharge of water and/or air through the selected nozzle.

Instead, the ratio of water to air can be directly controlled by manipulation of the supply lines to the water and/or air conduit in McKinney or by utilizing the needle valve of McKinney, but not through selection of a nozzle of a plurality of nozzles to cause water and/or air to be discharged therethrough. Moreover, there is no disclosure of opening at least one outlet of a plurality of outlets of a control mechanism and closing at least a second outlet of the plurality of outlets of such a control mechanism to select at least one nozzle of a plurality of nozzles to cause pressurized water and/or air to be discharged through the at least one nozzle. Thus, because the features of claim 8 of the present application are not identically disclosed by McKinney, it is respectfully submitted that this claim is not anticipated thereby and it is believed to be in condition for allowance. Claims 9, 10 and 12 were amended to conform them to the changes made to claim 8. Claim 11 was canceled and its subject matter incorporated into claim 8. The dependent claims are believed to be allowable for the same reasons as Claim 8 and for their own additional features.

Also, claims 13, 14, 16-20 and 23 stand rejected as being anticipated by McKinney. The Office Action alleges that McKinney includes a discharge unit having a plurality of discharge nozzles including at least one water nozzle and at least one air nozzle along with a control mechanism for controlling a supply of pressurized water and a supply of pressurized air to the discharge nozzles.

Amended claim 13 recites a device for making snow which includes a plurality of discharge nozzles, a control mechanism for controlling a supply of pressurized water and/or a supply of pressurized air to the plurality of discharge nozzles. The control mechanism is selectively operable to 1) direct flow of a portion of the water and/or air to at least one discharge nozzle of the plurality of discharge nozzles and 2) block flow of a portion of the at least one of

the supply of air and the supply of water to at least another discharge nozzle of the plurality of discharge nozzles, upon a selection of the at least one discharge nozzle.

McKinney discloses a first conduit and a second conduit configured to receive water and/or air and to discharge the water and/or air through discharge nozzles connected to the conduits. Further, McKinney discloses the controlling of a water air ratio based on substitution of the inlet pipes' connection to the first and second conduits and/or the use of a cross-mix needle valve, but there is no disclosure of the direction of flow to a first discharge nozzle of a plurality of discharge nozzles and the blocking of flow to another discharge nozzle, based on selection of the first discharge nozzle. Moreover, there is no indication of the selection of any of the discharge nozzles in McKinney. Thus, the features of claim 13 are not identically taught by McKinney and it is respectfully submitted that claim 13 is not anticipated thereby. Further, it is respectfully submitted that claim 13 is in condition for allowance along with the dependent claims which are believed to be allowable for the same reasons as claim 13 and for their own additional features. Claims 20 and 22 were amended to conform them to the amendments made to claim 13.

§ 103 Rejections:

Claim 6, 7, 15, 21, 22, 24 and 25 stand rejected over 35 U.S.C. § 103(a) as being obvious over McKinney in view of Ratnik et al (U.S. Patent No. 5,400,965). The rejection of these dependent claims is based on the § 102 application of McKinney to their base claims and thus these claims are believed to be allowable based on the above arguments regarding their base claims and for their own additional features.

Further Ratnik et al. discloses a snow gun having a single nozzle and a pair of conduits for conveying water and air to such a nozzle. However, there is no suggestion nor motivation disclosed in Ratnik to select among a plurality of discharge nozzles as recited in claims 1, 8, and 13 of the present application. Instead, Ratnik et al. teaches away from the use of a plurality of

nozzles to regulate a ratio of water to air since it utilizes one nozzle and the water and/or air is regulated by providing controlled amounts of such to the one nozzle. The use of the nozzle to control the water/air ratio is in contrast to utilizing a plurality of discharge nozzles and selecting among the nozzles to control such a ratio, as is recited in the independent claims of the present application. Thus, this feature, which is incorporated into the dependent claims by virtue of their dependence on the independent claims, is not believed to be taught nor suggested by McKinney et al. in view of Ratnik et al. Therefore, these dependent claims are believed to be allowable.

New Claims:

Claims 26-27 have been added to recite additional subject matter not previously claimed which was present in the application as filed. Claim 28 has been added to recite the subject matter of original claims 8 and 12 as a system claim. Neither McKinney nor Ratnik are believed to teach, disclose nor suggest the subject matter of these claims and they are thus believed to be allowable.

In the Drawings:

The drawings stand objected to under 37 C.F.R. § 1.84 (p)(5) as not including reference signs "180, 185, and 190." A drawing correction is required. FIG. 17 of the application as filed, and the drawings submitted in response to the Notice to File Corrected Application papers on April 13, 2001, include the reference signs 180, 185, and 190. A copy of this figure is enclosed for the convenience of the Patent Office. Thus, this objection is believed to be overcome.


CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

Attached hereto is a marked up version of the changes made to claims 1, 8-10, 12, 13, 15, 20 and 22. The attached page is captioned "**Version with markings to show changes made.**"

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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